

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**JUDGMENT IN A CIVIL CASE**

**DARRYL WRIGHT,**

Plaintiff,

v.

**CASE NUMBER: 3:14-CV-47 (GTS/DEP)**

**MARTIN E. SMITH, Broome Cnty. Court Judge;  
TORRANCE L. SCHMITZ, Attorney at Law;  
STEPHANIE M. MILKS, Assis. Dist. Attorney;  
CATHERINE A. ANDREWS, Sr. Court Reporter;  
CLARE E. WILLIAMS, Transcriber/Typist;  
VINCENT ACCARDI, Attorney at Law; and  
SALVATORE M. LATONA, Attorney at Law,**

Defendants.

**Decision by Court.** This action came to a hearing before the Court. The issues have been heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED

That Magistrate Judge Peebles' Report-Recommendation (Dkt. No. 8) is ACCEPTED and ADOPTED in its entirety. It is further ORDERED that Plaintiff's motion for the appointment of counsel and for a preliminary injunction (Dkt. No. 4 and 5) is DENIED as moot. It is further ORDERED that Plaintiff's Complaint (Dkt. No. 1) is DISMISSED with prejudice to the extent it asserts a claim under 42 U.S.C. § 1983, and without prejudice to the extent that it seeks to assert a claim under 28 U.S.C. § 2254.

All of the above pursuant to the order of the Honorable Judge Glenn T. Suddaby, dated the 5<sup>th</sup> day of June, 2014.

DATED: June 5, 2014

  
Clerk of Court

By: s/ Nicole Killius  
Deputy Clerk